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RUEHWL/AMEMBASSY WELLINGTON PRIORITY 1534
RUEHUL/AMEMBASSY SEOUL PRIORITY 2154
RUEHLO/AMEMBASSY LONDON PRIORITY 1192
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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 006004

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SUBJECT: AMBASSADOR PRESSES CDR ON TRANSITION

REF: A. BANGKOK 6003 (CONSTITUTION CONCERNS)
[1](#)B. BANGKOK 5973 (MEETING WITH SURAYUD)

Classified By: Ambassador Ralph L. Boyce, reason 1.4 (d).

SUMMARY

[1](#)1. (C) The Ambassador on September 29 pressed Council for Democratic Reform (CDR) Secretary General Winai Phattiyakul to address concerns that CDR members would retain substantial influence after the promulgation of the interim constitution. Winai explained that certain provisions of the interim constitution would be more moderate than critics feared (ref A). Detained members of Thaksin's cabinet would soon be released, but there was no timetable for the restoration of full civil liberties. Winai asked that the USG put faith in Privy Councillor Surayud, who seems nearly certain to become the next Prime Minister. Winai seemed unwilling to contemplate accelerating elections, as he explained the difficulty in creating a new democratic system that would not be as easy to manipulate as that established by the 1997 constitution. End Summary.

TIME FRAME FOR DEVELOPMENTS

[1](#)2. (C) The Ambassador called on CDR Secretary General Winai on September 29, to discuss progress toward a transition to a civilian government and to express concern about rumored provisions of the interim constitution. (Ref A provides more detail on those provisions.) Winai opened the conversation by noting that the interim constitution would be finalized on September 30; then, CDR leader General Sonthi would name the next Prime Minister. The King's endorsement of the Prime Minister could come as early as October 1, or as late as October 4. The Ambassador noted that October 4 would be later than the CDR's self-imposed two week deadline; however, Winai believed Wednesday, October 4, represented the conclusion of the second week after General Sonthi's announcement on Wednesday, September 20, of the deadline.

FORMING THE NEXT CABINET

13. (C) The Ambassador asked whether the next Prime Minister would be able to select his own cabinet. Winai said that the Prime Minister would have the freedom to do so, but the CDR would recommend some names and set certain standards. Cabinet members should have "no political background" (i.e., should not be tied to the Thaksin administration); they should be well-respected, honest figures who appeal to the Thai people. The cabinet members also should understand that their mandate is to improve economic conditions, bring into being a new constitution, and "fix the path" so that Thailand has an improved democracy within one year.

COMMENTS ON SURAYUD

14. (C) The Ambassador remarked that, if Privy Councilor Surayud Chulanont were to become Prime Minister, concerns would inevitably arise because of the fact of Surayud's military background. Winai urged the Ambassador not to judge a book by its cover; it was important to understand that Surayud had the right mentality to lead Thailand at this time.

PROVISIONS OF THE INTERIM CONSTITUTION

15. (C) The Ambassador asked whether, as rumored (ref A), the CDR, after transforming itself into the Council on National Security (CNS), would select the 100 members of the Constitutional Drafting Council (CDC). Winai said the CNS would indeed select the members, but the members would select

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from among themselves 35 members for the drafting committee.

16. (C) The Ambassador asked whether the interim civilian government would be subordinate to the CNS. Winai replied: "No way at all it will be subordinate. It will be a partnership." The Ambassador then asked whether the CNS would have a seat in the cabinet. Winai replied, "Not at all."

17. (C) When asked who would choose the members of the interim parliament, Winai said that the government and the CNS would cooperate in the selection process. The Ambassador asked if the interim parliament would be able to hold a no-confidence debate. Winai said the parliament could indeed have a no-confidence debate, but it would not be able to hold a no-confidence vote. Winai appeared to envision the threat of a debate as an effective check on the Prime Minister and his cabinet, but he said a public airing of views would suffice; there would be no need for a vote, because the interim government would be in place for "less than one year."

POLITICAL RIGHTS TO REMAIN SUSPENDED

18. (C) The Ambassador asked whether the decrees issued by the CDR would remain in effect after the promulgation of the interim constitution. Winai asserted that those decrees would no longer be in effect, except for prohibitions on political activities, which would persist until the lifting of martial law, or until determined otherwise by the government. Winai declined to predict when the population would be allowed to resume political activities, but he said the CNS would try to restore them as quickly as possible. He also asserted that the interim constitution would include the bill of rights from the 1997 constitution.

DETAINEES TO BE RELEASED

19. (C) The Ambassador asked about persons associated with the Thaksin administration who had been detained without charges by the security forces. Winai said that they would be allowed to return to their families "at the end of this week."

ACCELERATING TRANSITION

110. (C) The Ambassador noted the CNS would likely face pressure to speed up the timetable for elections. Winai urged the Ambassador to understand the political environment: Thaksin had been able to manipulate all the supposedly independent bodies created by the 1997 constitution, destroying Thailand's system of checks and balances. Thaksin had shown that "anyone with a few billion U.S. dollars can take over Thailand easily." It would not be easy for the next administration to create independent mechanisms that would work effectively "for the next round of democracy." This would require time.

111. (C) Winai urged the Ambassador to convey to Washington that the CDR members did not aspire for power. Using military force to bring about political change had damaged the country, Winai acknowledged -- but the Generals had assessed that if they had not acted, the damage would be even greater. If you see that a train is heading for a wreck, it is justifiable to take a detour in order to avoid a collision. Winai urged that the USG not push the Generals into a corner, but rather help them to create a democratic government featuring effective checks and balances.

COMMENT

112. (C) It appears some provisions of the interim constitution have been softened since the circulation of an initial draft (ref A). We are encouraged by Winai's

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assurance that detained former cabinet ministers will be released very soon; however, we are dismayed that he could offer no similar assurance about the full restoration of civil liberties. Winai clearly feels Surayud is the right man to steer Thailand through this difficult period, and we also note that, as one who enjoys the trust of the CDR, Surayud will likely have more authority vis-a-vis the Generals than someone lacking a military background would. Winai made it clear that the new administration intends to stick to its timeframe for the process of drafting a new constitution and holding elections.

BOYCE